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COMMITTEE ON THE RIGHTS OF THE CHILD

Third session

SUMMARY RECORD OF THE 63rd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 21 January 1993, at 3 p.m.

Chairman: Mrs. BADRAN

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 11) (continued)

- **INITIAL REPORT OF THE RUSSIAN FEDERATION (continued) (CRC/C/3/Add.5; CRC/C/3/WP.6)**

1. At the invitation of the Chairman, Mrs. Lakhova, Mrs. Nazmetdinova, Mrs. Krilova, Mrs. Tsarkova, Mrs. Bezlepkina, Mr. Zhinkin, Mr. Kovalov and Mrs. Smirnova (Russian Federation) took places at the Committee table.

2. The CHAIRMAN invited Mrs. Lakhova to continue answering the questions contained in the amended list of issues to be taken up in connection with the consideration of the initial report of the Russian Federation. The initial list had been issued as document CRC/C/3/WP.6.

3. Mrs. LAKHOVA took up several questions, some of which appeared in the amended list.

4. What are the procedures for a child to make its opinion heard in cases of adoption?

The regulations of the Ministry of Education and the Ministry of Health of the Russian Federation stipulated that no decision on a child's adoption could be taken unless the child had been consulted. The decision was the responsibility of a child welfare inspector who inquired into the circumstances and education of the child in question.

5. How are children from poor families protected in the case of health institutions demanding payment for treatment?

Article 55 of the RSFSR Constitution currently in force guaranteed all citizens of the Russian Federation free medical care in State medical institutions. Charging for medical care was a violation of the law.

6. What changes are planned to improve the training of health personnel?

Beginning in 1993 a three-tier system had been established for the training of doctors in the medical institutes. Doctors were able to upgrade their qualifications, acquire a specialized qualification or obtain an internationally recognized diploma. A four-year training course for obstetricians had been organized in St. Petersburg. Doctors in general practice now had an opportunity of improving and expanding their practical training by means of overseas courses. A new programme was currently being established in the medical faculties to improve the qualifications of doctors and nurses, in particular through the introduction of family planning courses and the computerization of medicine.

7. Please indicate measures taken to reduce the abortion rate and for the wide-scale introduction of modern contraceptive methods.

The issue was on Russia's agenda but the question of abortion could not be considered without taking account of the maternity and infant mortality rates. A federal programme entitled "Family Planning" had been established for 1993-1995. It envisaged the preparation of a draft law of the Russian Federation on family planning and the creation of specialized services at the federal and regional levels. A local model of family planning services was being designed in the Udmurt Republic with the help of foreign experts. Some associations had been created in the past two years: the Russian Family Planning Association, which had about 40 branches at the federal level, and the Pan-Russian Federation of Doctors Specializing in Contraception. The public at large was being educated on those questions by the press. The people had great difficulty in obtaining means of contraception. There were hardly any oral contraceptives (24 per cent of the supply was imported). Intra-uterine devices and contraceptives manufactured in Russia were far from complying with intentional standards. Surgical sterilization also had its problems owing to the shortage of laparoscopes and surgical instruments. It was hoped that the measures taken under the federal family planning programme (improvement of the sex education of adolescents, training of teachers in general education schools in the problems of family planning, establishment of information centres equipped with video cassette facilities, increase in the number of enterprises manufacturing means of contraception, etc.) would help to reduce the number of abortions in the Russian Federation.

8. Please describe measures taken to promote information and education on AIDS among the general population and high risk groups.

A State programme for AIDS prevention existed at the federal level and in the various regions. The centres in question were responsible for the sex education and information of the public. Some 30 works on health had been published, and publications on the problem of AIDS would come out in 1993. There were many radio and television broadcasts and newspaper articles which made the public aware of health questions and of means of preventing AIDS in particular. Advice was given in the general education schools and technical institutions. The issues of AIDS prevention were included in the programmes for improvement of the qualifications of health personnel.

9. Please indicate whether school discipline is implemented in a manner consistent with the child's human dignity.

The existence of rules of conduct in schools did not harm the child's dignity. The rules defined the rights and obligations of pupils, who were required to arrive at school on time and not to miss classes without a valid reason; they must listen attentively to their teachers and not behave rudely towards adults or children. School discipline facilitated the assimilation of the subjects taught and the development of the children's capacities, and it encouraged them to behave respectfully towards their teachers and other pupils. Unfortunately the methods used by some teachers often did children harm, unsettled them mentally and had an adverse effect on their behaviour. In the event of violation of the rules of discipline by a teacher, the administration could impose sanctions including dismissal.

10. Has the increase in the number of nursery schools and kindergartens had an impact on the educational level of children in beginning classes?

The education authorities had no data indicating a recent deterioration in the standards of children in pre-school classes. Any correlation between the lower rate of attendance at pre-school institutions and their subsequent scholastic achievements could not be determined until the children entered primary school.

11. Has the emergence of private schools had a negative impact on public schools?

Private schools had been officially recognized as education institutions after the adoption of the Russian Federation education law i.e. during the summer of 1992. As private schools had existed for a very short time, it was still difficult to draw any objective conclusions about their impact on State schools.

12. What special measures are being taken to support unaccompanied children among refugees and displaced persons?

The Russian Federation had not recorded any mass exodus of unaccompanied children among refugees and displaced persons from conflict zones. Only a few isolated cases had been reported. The Federal Migrations Office had introduced emergency measures for the temporary placement of such children and had given them immediate assistance. Efforts had been made through the Ministry of Internal Affairs of the Russian Federation to find the children's parents or other members of their families. Children without families had been placed in boarding schools or other children's institutions.

13. How is the performance of the Commission on Minors monitored?

The Commission on Minors was an inter-agency commission whose operations were monitored by the ministries concerned.

14. Are the rules of the draft Penal Code, Code of Penal Administration and Code of Criminal Procedure in harmony with international standards regarding juvenile justice and the treatment of young offenders?

The draft Penal Code and Code of Criminal Procedure of the Russian Federation took into account the rules of international law concerning juveniles. The draft Penal Code had a section on the penal responsibility of minors which was consistent with the provisions of article 17 (Guiding principles in adjudication and disposition) and article 18 (Various disposition measures) of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"). Article 90 of the draft Penal Code stipulated that in sentencing minors, the court should take into account their stage of development, their standards of living and education, and the influence of adults over them. The draft Penal Code made provision for the application of various penalties to juveniles: deprivation of liberty (art. 84), a number of coercive measures of an educational nature (art. 92), the possibility of conditional release (art. 93) and commutation of sentences (art. 94).

15. What has been done to solve the problems of juvenile offenders who are detained far from their homes?

In order to solve such problems the executive organs had recommended the establishment of educational labour colonies for adolescents in all the republics of the Russian Federation. The relevant articles of the Penal Code concerning the care of children placed in such colonies had been amended. The children now had the right to see their parents for three days, to telephone them and visit them once a year. They could also receive parcels and were entitled to treatment by the psychological services recently set up in the colonies.

16. What programmes are being developed to further combat child prostitution? What further action is planned against criminality among children?

The penal legislation of the Russian Federation contained a number of provisions categorizing as crimes the involvement of juveniles in a criminal activity by adults (art. 210 of the Penal Code of the RSFSR), the keeping of houses of prostitution or procurement (art. 226), and the production and marketing of items of pornography (art. 228). Under article 39 of the Penal Code, inciting minors to commit an offence or inducing them to participate in an offence was regarded as an aggravating circumstance in the determination of a sentence. In order to protect juveniles against sexual offences and to prevent their involvement in acts of prostitution, a draft decree of the President of the Russian Federation concerning measures regulating the sale and dissemination of erotica was currently under study, together with a draft law of the Russian Federation to amend and supplement the RSFSR Code of Penal Administration.

The campaign against juvenile crime was running into legal and organizational difficulties. A decree of the President of the Russian Federation dated 16 September 1992 concerning priority State action for the benefit of young people envisaged the creation of a single system to prevent offences by juveniles and protect juveniles. In addition, the Committee of the Supreme Soviet of the Russian Federation responsible for questions of the family, mothers and children was preparing a draft law on those questions. A programme for the rehabilitation of potential child offenders was also under study. The Federal Ministries of Education, Internal Affairs, Social Protection of the Population, and Health were participating in the study. Regional programmes also played an import nt role in the campaign against juvenile delinquency.

17. Please describe measures taken to ensure that children from minority groups are entitled to enjoy their own culture and language.

Under the Constitution of the Russian Federation, general questions of education, science, culture and sports were the responsibility of the federal organs of Russia and the organs of the autonomous regions. The local organs guaranteed exercise of the rights of ethnic minorities by establishing general education schools where teaching was in the minority languages and by publishing school textbooks (in Russia teaching was conducted in 66 languages and nine dialects) and popular stories, and by organizing religious festivals. A number of oral languages (Aleutian, Rutul, Nganassan, Tsakhur) were becoming written languages but were not yet taught. A written version of the Rutul language was being prepared. There was a total of 28 oral languages, of which 17 were spoken by the peoples of Daghestan and the others by the peoples

of the north of the country. As part of the programmes for the "renewal" of the peoples of Russia, laws on the "languages of the RSFSR" and on "culture" contained measures for the preservation and development of the cultures and languages of the peoples of the Russian Federation, in particular the cultures and languages of ethnic minorities. All children had the possibility of studying those languages. The programme "Children of the North" contained concrete measures for familiarizing children with popular traditions, handicrafts and books for children.

18. The CHAIRMAN thanked the delegation for its response to the amended list of issues to be taken up in connection with the consideration of the initial report of the Russian Federation and asked the members of the Committee whether they had any comments on any of the responses.

19. Mr. MOMBESHORA said he had two questions. First, concerning adoption, he would like to know how the Government of the Russian Federation reconciled the principle of respect for the best interests of the child with the right of children to express their opinions about their adoption. Second, concerning health issues, he asked what amount of the budget was allocated to preventive health care in comparison with the appropriations for medical treatment as such.

20. Mr. HAMMARBERG, referring to the issue of family environment and alternative care, said that Russia traditionally attached great importance to institutional care but that in times of economic crisis children might not receive all the necessary attention. Children should be kept within a family environment and placed in institutions only as a last resort. A high number of deaths had taken place in State homes for infants (995 according to table 14 in the report). In view of the importance of adoption for a child's future, he hoped that the Russian authorities would consider international adoption only when it had proved impossible to have the child adopted in Russia itself. In view of the many problems caused by the break-up of the Soviet Union, he wondered whether measures were being taken to accommodate child refugees from neighbouring countries. Lastly, on the issue of child prostitution, he hoped the Russian authorities would not confine themselves to legislative measures but would take concrete action to combat child prostitution and to protect children against such diseases as AIDS.

21. Mr. GOMES DA COSTA asked what educational measures were being taken for the benefit of young offenders. Were their sentences suspended when they had committed only a minor offence?

22. During training, were prison and court personnel familiarized with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, and the United Nations Guidelines for the Prevention of Juvenile Crime ("The Riyadh Guidelines")?

23. Did any foreign NGOs work on international adoption in the Russian Federation? If so, what were their relations with the public authorities?

24. A large number of orphans and disabled children were placed in specialized institutions, which was evidence of the authorities' concern

for them. However, they were cut off from their communities, and their development might suffer. Was the Government planning to change its policy and give greater emphasis to the placement of children in foster families or in family-structured homes, which seemed more likely to promote the child's development and to be less costly in economic terms?

25. Did the delegation of the Russian Federation not think that the educational labour colonies in which convicted adolescents were detained were incompatible with the letter and spirit of the Convention? Were the colonies still the responsibility of the Ministry of the Interior? What social and educational measures were being taken to help street children and how were the services responsible for the social rehabilitation of child victims of prostitution and child drug addicts working?

26. Mgr. BAMBAREN GASTELUMENDI asked what was the rate of school attendance in rural areas and whether it was the same for boys and girls. He had noted from the report that some 80 per cent of neglected children had families (para. 38) and that the proportion of adolescent offenders aged 14 or 15 had increased by 47 per cent between 1987 and 1991 (para. 39). Did that mean that family bonds had become weaker and that children were sometimes regarded as a burden rather than a blessing?

27. The report also stated that the parents' alcoholism was one of the main causes of the abandonment of children. What were the authorities doing to prevent the children becoming victims of alcoholism? Lastly, what measures were being taken to help street children, children who worked and children who were economically exploited?

28. The CHAIRMAN, speaking in her personal capacity, asked why education was described in paragraph 138 of the report as "a paramount aspect of social welfare". Should not education be regarded instead as an investment, especially in view of its links with the economic system?

29. Mrs. EUFEMIO said that many children were in a difficult situation because their parents had not been able to assume their responsibilities. What steps were being taken to help parents perform their educational role and prevent various problems, including incest? What was being done to prepare children for their future role as parents?

30. Mrs. MASON said that she would like to have more information about the right of orphans to accommodation, which the Russian delegation had mentioned the previous day. The Convention emphasized the obligation of parents to satisfy their children's needs. The Russian delegation had said that if a parent who had been ordered by the courts to pay alimony to his or her spouse for the maintenance of their children under age refused to do so, the State itself paid the allowance. Was the State not encouraging parents to evade their responsibilities? Was action taken to compel them to comply with the decisions of the courts, for example by the attachment of wages? In the case of children born out of wedlock, did the law require the parent who did not have custody of the children to pay a maintenance allowance?

31. With regard to children who had run foul of the criminal justice system, she asked what was the exact nature of the educational labour colonies

(para. 165) and how they differed from other special-regime educational establishments.

32. Were court cases involving juveniles heard behind closed doors? Was there a system of legal aid for children? Paragraph 156 of the report stated that cases involving juveniles could be brought before a special commission. The commissions decided whether juveniles were guilty or innocent, but the members seemed not to have any legal training. Did the draft reform of the judicial system envisage the creation of juvenile courts staffed by persons trained in the law and in child psychology? Lastly, what measures were being taken to prevent children coming into conflict with the criminal justice system?

33. The CHAIRMAN invited the delegation of the Russian Federation to respond to the additional oral questions.

34. Mrs. LAKHOVA (Russian Federation), replying to Mr. Hammarberg's questions stressed that the Russian Federation was a young State which was having to cope with major economic difficulties. From the outset the President of Russia had placed children at the centre of his concerns and had requested the various State, regional and federal organs to give priority to the education, protection and development of children. For example, he had decided to set aside for children a section in the general budget to which expenditure on children would be charged, in particular expenditure on education, clothing, training, family allowances and various grants. That section represented 9 per cent of the total federal budget.

35. In the case of adolescents more stress had to be placed on sex education to reduce the number of abortions and the number of girls under 15 having children. In some regions programmes had been established to help pregnant girls and hostels had been opened for them. In addition, a federal fund had been set up to finance federal and regional programmes which took into account the particular features of each region.

36. Bringing the principles and provisions of the Convention on the Rights of the Child to the knowledge of the general public was not something that could be done overnight. Surveys of children had shown that they knew little or nothing about their rights. It had therefore been decided to teach law in the schools, which meant that teachers would have to take training courses in law. In addition, a children's magazine, "Mairzilka", made the provisions of the Convention accessible to children by publishing them in a simplified form.

37. With regard to statistics, the Government had data on the breakdown of the population by sex and on its social and geographical distribution. The statistics were of great importance and were taken into account in the formulation of national policies and decisions on the funding of social and economic programmes.

38. Turning to the questions put by Mrs. Santos Pais, she explained that the withdrawal of parental authority was a measure applied only in the last resort. The authorities tried all possible means of helping families in difficulty before deciding in the interest of the child to deprive the parents of their rights and duties.

39. It was true that a person could not exercise his legal rights if he was unaware of them, but it was difficult to raise the people's awareness of legal matters in two or three years.

40. In reply to Mr. Gomes da Costa's question, she said that there had formerly been about 10 NGOs, which had in fact been subordinate to government bodies. There were now almost 300 NGOs concerned with the problems of the family, women and children at the local, federal and international levels and they worked in close collaboration with the authorities. For example, there was an NGO responsible for protection of mothers and children which was concerned with family planning, manufacture of contraceptives, vaccination programmes, disabled children and orphans.

41. Training programmes on human rights in general and on the Convention on the Rights of the Child in particular had been established for employees of the Ministry of Internal Affairs and for the police. The programmes had State support. However, much remained to be done. In almost all regions there was an "SOS Children" telephone number which young people could call if they needed to talk to someone. But there were not enough lines to meet the demand.

42. Russian was the official language of the State and was taught from the beginning of the child's education. Classes were compulsory. The Russian Federation was a State with many different nationalities, and many children knew little or no Russian when they started school, as they spoke their national language at home. On the question of the 20 books which had been published at the federal level, she explained that they were picture books for children and had been published in the languages of ethnic minorities.

43. There were boarding schools for physically or mentally disabled children and separate establishments for orphans. For some years, following an initiative of the Russian Children's Fund, efforts had been made to place orphans in foster homes which received financial support from the State. In 1992 for example 3 billion roubles had been released to fund such programmes for orphans, and it was planned to allocate 13.6 billion roubles to them in 1993. Disabled children were placed in specialized institutions, for the necessary technical facilities were not available in the ordinary schools. All boarding schools were run by the State. Special programmes had been organized with State funding for the benefit of handicapped children.

44. In response to Mrs. Eufemio she again emphasized the importance of the social services for the family, women and children. Until recently the country had had hardly any such services, with the result that the Russian Federation now lacked specialists in the social field. Each region could determine in the light of its programmes and plans the number of social workers it needed. Local committees were responsible for coordinating the activities of social workers. For two years two NGOs had been collaborating with international associations to train social workers so that they could help families, women and children at the federal, national, regional or local level. It must be possible to reach every family, every adult and every child, and that could only be done with the help of professionals. It was also necessary to train psychologists: they were in short supply because for

a very long time there had been only two faculties teaching psychology courses, one in Moscow and the other in St. Petersburg.

45. Clarifying for Mrs. Mason the question of enactment of regulations she said that the Russian Federation had inherited some legislation from the former Soviet Union and in 1991 and 1992 had drafted a number of laws and regulations concerning the Convention on the Rights of the Child which were mentioned in the report.

46. On the question of the marriage of minors she said that normally young people under 18 had to have their parents' consent to marry. However, in some cases, for example when a girl was pregnant, the local authorities could lower the minimum age of marriage without the consent of the parents.

47. In the past the authorities had paid hardly any attention to the sex education of children. In fact, there was no faculty offering training for sex education teachers, and the speciality did not appear in the list of professions. A sex education programme was being prepared and would be considered by the Government.

48. In response to Mgr. Bambaren Gastelumendi's questions she explained that all the institutions which took in orphans were public and came under the Ministries of Health and Education. Up to the age of 14 juvenile delinquents could be placed in special schools where they took general education courses, then from age 14 to 18 in specialized technical and vocational training institutions. The death penalty was not applied to young people under 18.

49. In response to a question about the nationality of children she referred to the information given in paragraph 69 of the report.

50. In reply to Mr. Hammarberg's questions she said that Russia had a network of children's clinics and paediatric services in the hospitals, together with a network of children's sanatoriums. Children, especially of pre-school age, were normally cared for at home where they were visited by a doctor or nurse. They were taken to hospital only in serious cases when they had to be kept under daily observation or when laboratory examinations and tests were needed. In accordance with instructions given by the Ministry of Health, parents were free to visit their children in hospital and could stay there with them. Parents who looked after their children in hospital instead of going to work received compensation. That was also the case when children received treatment in a polyclinic. The number of sanatoriums was increasing and old sanatoriums had been modernized. Children could stay there with their parents in attendance. Orphan children treated in hospitals were sent there by their boarding school or their foster family. Children fending for themselves without supervision were sometimes taken to hospital by the police. There were still very few social workers working with families and they still did not play a significant role in the care of children.

51. It was true that infant mortality had increased in the past two years. Infant mortality was a composite indicator. It depended among other things on the state of health of women. At the present time some 70 per cent of pregnant women suffered from some illness or other at the time of confinement, so that they could not give birth to healthy children. Almost 38 per cent

of children in maternity units needed intensive care. It was difficult to provide all the necessary treatment in maternity units for lack of medicines and modern diagnostic methods. Since January 1993 the Russian Federation had adopted the international method of calculating the infant mortality rate; this would give a clearer picture of the actual situation. The new method would certainly produce higher figures than the old method.

52. The Russian Federation supported without reservation the provisions of article 21 of the Convention on the Rights of the Child concerning international adoption. Until recently international adoption had been a fairly rare occurrence. Foreign international adoption organizations were now coming from the United States, Canada and Sweden in particular and were working directly at the local level. There were a number of positive examples of children, particularly disabled or sick children or children with heart problems or needing complicated operations who had been adopted by foreign families and had received treatment. There had also been cases of violation of the law and abuse with regard to adoption, particularly international adoption, which had been brought to light in an investigation carried out by the Office of the Public Prosecutor. The Ministries of Education and Health had therefore published a memorandum on the recognized modes of adoption, indicating what documents were needed for international adoption. In December 1992 the Supreme Council of the Russian Federation had published a decree restricting international adoption which would remain in force until the promulgation of a special law. Meanwhile, international adoption would be authorized only in exceptional cases in the interest of the child.

53. In reply to Mr. Mombeshora's questions she said that the child's opinion was taken into account when adoption was envisaged. If a child did not wish to join a given family he was interviewed, and the adoption did not take place if he did not wish it. The Russian Federation preferred to place children in foster families rather than establish more boarding schools. Programmes had been prepared and action taken in that area.

54. Prevention was an area to which the Ministry of Health gave priority. However, a person's state of health did not depend only on medicine and medical staff but also on his conditions of work, the environment, diet and such factors as the weather. The development of paediatric services in the Russian Federation and in the former Soviet Union had been an important achievement in the area of health. The Russian Federation lacked the latest techniques but it had achieved organizational successes. Paediatric polyclinics had education and health centres staffed by doctors, nurses, teachers and lawyers who did a huge amount of preventive work with parents at the local level. The centres provided education for pregnant women (diet, post-natal care, vaccinations, etc.). After the birth the mother and child visited a centre once a month for advice and monitoring of the child's physical development. Fathers could also attend the centres and take courses given by doctors on the role of the father in the education and care of children. The centres were also going to offer family planning services because problems were arising and there was still a very large number of abortions. Some family planning work was already being done in the paediatric polyclinics. The training of experts in family planning and contraceptive methods had been intensified, and courses on those subjects were taught in the

medical schools. There were also family planning services which worked in close collaboration with the health centres in industrial enterprises.

55. Mr. Mombeshora had rightly mentioned problems connected with vaccinations. The Russian Federation attached great importance to vaccinations, and more than 70 per cent of children were vaccinated. However, there were a number of problems. Cases of diphtheria had been recorded, and the incidence of whooping cough had increased. That was due to the state of health of the child and to the fact that some parents refused vaccinations because they often induced allergic reactions in the children and because their quality was not up to international standards. National vaccination programmes were being prepared; more than 600 million roubles had been allocated to them by the end of 1992. It was certainly better to prevent than to cure childhood diseases for reasons both of cost and of the health of the child.

56. The problem of alcohol and drug consumption by children was not particularly pressing in the Russian Federation although it did exist. Priority must be given to the risk groups, particularly in schools. Children and adolescents who took drugs or alcohol were directed to the specialized services which worked directly with them and their parents.

57. In response to Mrs. Mason's questions she said that an effort was made to take children's problems into account in every law adopted by Parliament. For example, an article in the law on housing specified the obligation to provide free housing for orphan children. That was a responsibility of the local authorities. Such a rule was essential because problems did arise at the local level. In the event of conflict, it was necessary to know who should receive priority in the allocation of accommodation.

58. With regard to alimony due from a spouse who had left the home, the State paid the money every month until the spouse had been found or, in some cases, while he or she was unable to make the payment, owing to hospitalization for example.

59. Minors were placed in educational labour camps by court decision. It should be noted that the conditions of detention of minors were very different from those of adults. The children in the colonies could continue their schooling or vocational training.

60. In reply to the Chairman's question she said that the law on education had been debated by Parliament at length in 1992. The underlying concept of the law was that education and training must serve the interest of society and the State and create the necessary conditions for the development of the personality of the pupils. The law envisaged new forms of education, and private schools had been opened since 1992. State education was free, and its funding would increase from 9.6 to 11 per cent for 1993.

The meeting rose at 6 p.m.